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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB

**NOTICE OF MOTION AND MOTION
TO WITHDRAW AS COUNSEL FOR
PLAINTIFF JANE DOE EB 10**

This Document Relates to:

JURY TRIAL DEMANDED

*JANE DOE EB 10 v. UBER TECHNOLOGIES,
INC., et al.*
Case No. 3:24-cv-05197

Judge: Hon. Charles R. Breyer
Date: March 7, 2025
Time: 10:00 a.m.
Courtroom: 6 – 17th Floor; Videoconference

NOTICE OF MOTION & MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD, PLEASE TAKE NOTICE
that on Friday, March 7, 2025 at 10:00 a.m. by videoconference (accessible at
[https://canduscourts.zoomgov.com/j/1611472837?pwd=cy81NUdINWZmeEpFUjlHRXM3djZ5
QT09](https://canduscourts.zoomgov.com/j/1611472837?pwd=cy81NUdINWZmeEpFUjlHRXM3djZ5QT09)), before the Honorable Charles R. Breyer, in Courtroom 6 of this Court, located at 450
Golden Gate Avenue, San Francisco, CA 94102, Estey & Bomberger LLP (E&B), counsel of

record for Plaintiff Jane Doe EB 10 (“Plaintiff”), moves this Court for an order permitting its withdrawal as counsel for Plaintiff.

This Motion is made pursuant to Local Rule 11-5(a) and California Rules of Professional Conduct 1.16(b)(4) and 1.16(d). The Notice of Motion & Motion are based on the below Memorandum in Support and the accompanying Declaration of Angela J. Nehmens, filed herewith as Exhibit A. A Proposed Order is attached as Exhibit B.

MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

Pursuant to Local Civil Rule 11-5(a) and California Rules of Professional Conduct 1.16(b)(4) and 1.16(d), E&B submits this Memorandum of Law in support of its Motion to Withdraw as Counsel for Plaintiff Jane Doe EB 10. E&B respectfully requests the Court grant the Motion.

STATEMENT OF FACTS

Plaintiff Jane Doe EB 10 is currently represented by E&B for a rideshare assault claim against Defendants. *See* Nehmens Decl. at ¶ 2. Plaintiff’s claims were filed in the United States District Court for the Northern District of California as Case No. 3:24-cv-05197 on August 15, 2024. Plaintiff’s case was consolidated into the multidistrict litigation *In re: Uber Technologies, Inc. Passenger Sexual Assault Litigation*, Case No. 3:23-md-03084, on August 16, 2024. Irreconcilable differences have arisen between E&B and Plaintiff. Nehmens Decl. ¶3. After notifying Plaintiff in writing that E&B would seek withdrawal as her counsel, Plaintiff has not responded, has not informed E&B that she intends to voluntarily dismiss her claims, and has not informed E&B that she plans to or has retained alternative counsel. Nehmens Decl. ¶4.

NO DELAY OR PREJUDICE WILL BE CAUSED BY RELIEVING COUNSEL

Under California Rule of Professional Conduct 1.16(b)(4), a lawyer may withdraw from a case if “the client . . . renders it unreasonably difficult for the lawyer to carry out the representation effectively.” According to Local Civil Rule 11-5, “[c]ounsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case.” The decision to grant or deny an

1 attorney's motion to withdraw as counsel is committed to the sound discretion of the trial court.
2 *LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1988).

3 As detailed above, E&B and Plaintiff have irreconcilable differences concerning her
4 claims which have rendered it unreasonably difficult for E&B to prosecute this case. *See* Nehmens
5 Decl. at ¶¶3-4. Therefore, good cause exists for allowing E&B to withdraw as Attorneys of Record
6 for the Plaintiff. Furthermore, no trial date has been set, giving Plaintiff ample time to find new
7 counsel should she wish to proceed with her claims against Defendants. In addition to its written
8 notice to Plaintiff Jane Doe EB 10, E&B has also previously informed Defendants in writing of its
9 intent to withdraw as counsel for Plaintiff. As such, no delay or prejudice shall result from E&B
10 being allowed to withdraw as Plaintiff Jane Doe EB 10's counsel. *See* Nehmens Decl. ¶¶5-9.
11 Because Plaintiff's conduct falls into the express terms of Rule 1.16 regarding permissive
12 withdrawal, and E&B has taken all reasonable steps to avoid foreseeable prejudice to Plaintiff, we
13 respectfully request that this Honorable Court grant this Motion and allow E&B to withdraw as
14 counsel of record for Plaintiff Jane Doe EB 10.

15 Because this motion is not accompanied by a substitution of counsel or an agreement by
16 Plaintiff to proceed pro se, E&B agrees to the condition imposed by Local Rule 11-5(b) to serve
17 Plaintiffs with all papers in this matter, unless or until Plaintiff appears pro se, other counsel
18 appears on Plaintiff's behalf, or upon further order of the Court. *See* Nehmens Decl. ¶ 10.

19 **CONCLUSION**

20 E&B respectfully requests that the Court enter an order terminating its representation of
21 Plaintiff Jane Doe EB 10 and allowing Plaintiff 30 days to retain new counsel.

22
23 DATED: January 29, 2025

Respectfully Submitted,
ESTEY & BOMBERGER, LLP

25 /s/ Angela J. Nehmens

26 Stephen J. Estey
Angela J. Nehmens

27 **Attorneys for Plaintiff**
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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025, I electronically filed the above document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Angela J. Nehmens